



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Thuy Pham BEIER

Application Number: 09/866,261

Group Art Unit: Not Assigned

Filed: May 25, 2001

Examiner: Not Assigned

Title: Viral Detection System

Attorney Docket No.: TPB-001D1

**REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents

ATTN: Doshie Day

Mail Stop OIPE

P.O. Box 1450

Alexandria, VA 22313

Dear Ms. Day:

In response to the Notice of Abandonment mailed on December 1, 2003 in connection with the above-referenced application, the Applicant respectfully requests a withdrawal of the holding of abandonment because there was in fact no abandonment. *See MPEP 711.03.* In summary, according to a first returned postcard received from the Office of Initial Patent Examination (OIPE), the USPTO received the Applicant's corrected application papers sent in response to the Office's Notice to File Corrected Application Papers, dated August 2, 2002. Therefore, the Applicant respectfully asks that the holding of abandonment be withdrawn.

The Applicant has been diligent to ensure that the above-referenced application was not abandoned. On August 2, 2002, the OIPE mailed a Notice to File Corrected Application Papers (Exhibit A). In response, the Applicant filed fully responsive, corrected application papers on September 6, 2002, under a separate cover letter (Exhibit B) and with an accompanying post card. Just three days later, the OIPE stamped Applicant's post card (Exhibit C), which it received on September 9, 2002, and returned it to the Applicant.

In follow up, the Applicant then sent the Office a first status inquiry letter (Exhibit D) on January 23, 2003, which was also received by the PTO, as indicated by a second returned post card (Exhibit E). The Applicant additionally sent a second status

inquiry letter on May 21, 2003, to which the PTO responded on June 6, 2002 as follows:

We project that this application will be first examined in 3 to 6 months from today.

(Exhibit G). Thus, the Applicant submits that the application has not been abandoned, and moreover, that the Applicant has diligently moved prosecution of the above-referenced application forward. For reasons unknown, the PTO nevertheless mailed the Applicant a Notice of Abandonment (Exhibit H) on December 1, 2003. Therefore, in accordance with MPEP 711.03, which states that "when advised of the abandonment of his or her application, applicant may [...] ask for reconsideration of such holding, if he or she disagrees with it on the basis that there is no abandonment in fact[...]," the Applicant hereby respectfully requests that the above-referenced holding of Abandonment be withdrawn.

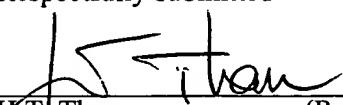
The Applicant also requests that the resulting delay, which was not caused by the Applicant, be credited towards a patent term extension under 35 USC § 154 if and when corresponding claims issue.

In case the corrected application in question has been misplaced or lost, the Applicant also includes an additional copy of the corrected specification that was sent on September 6, 2002 and respectfully asks that it be examined as soon as possible.

No fee is due for this submission. Please debit any underpayment of fees to deposit account 50-1980.

Respectfully submitted

Date: 12/11/2003

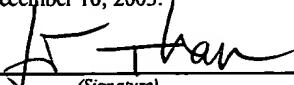
  
H.T. Than (Reg. No. 38,632)  
Attorney for Thuy D. Pham, Ph.D.  
Waterfront Center  
1010 Wisconsin Ave., Suite 560  
Washington, D.C. 20007  
(202) 363-2620 (telephone)

Enclosure

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Assistant Commissioner for Patents, ATTN: Doshie Day, Mail Stop OIPE, P.O. Box 1450, Alexandria, VA 22313, on December 10, 2003.

H.T. Than  
(Name)

  
(Signature)

38,632  
(Reg. No.)

12/11/2003  
(Date of Signature)

Application No. 09/866,261

Exhibit A



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/866,261	05/25/2001	Thuy Pham Beier	TPB-001D1

H.T. Than Law Group  
 Sutton Executive Center  
 Suite 350  
 3201 New Mexico Avenue  
 Washington, DC 20016



CONFIRMATION NO. 8078  
 FORMALITIES LETTER



OC000000008567592\*

Date Mailed: 08/02/2002

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*

*A copy of this notice MUST be returned with the reply.*

*File No.*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

*Exhibit B*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham BEIER

Application Number: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: Siu, S.

Title: Viral Detection System

Attorney Docket No.: TPB-001D1

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Assistant Commissioner for Patents  
Washington, D.C. 20231

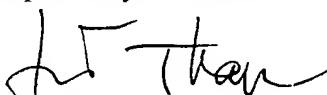
Dear Sir:

In response to the Notice to File Corrected Application Papers mailed on August 2, 2002 in connection with the above-referenced application, attached please find a substitute specification in compliance with 37 C.F.R. 1.52. No new matter is added.

No fee is due for this submission. Please debit any underpayment of fees to deposit account 50-1980.

Respectfully submitted

Date: 9/6/2002

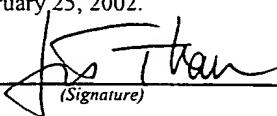
  
H.T. Than (Reg. No. 38,632)  
Attorney for Thuy D. Pham Beier, Ph.D.  
3201 New Mexico Ave., N.W. Suite 350  
Washington, D.C. 20016  
(202) 363-2620 (telephone)

Enclosure

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner of Patents and Trademarks or the Assistant Commissioner for Patents, Washington, D.C. 20231, on February 25, 2002.

H.T. Than  
(Name)

  
(Signature)

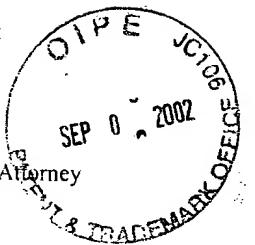
38,632  
(Reg. No.)

9/6/02  
(Date of Signature)

# Exhibit C

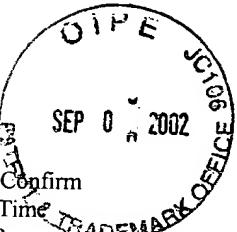
Express Mail No. \_\_\_\_\_  
Date Mailed 6 September 2002  
Ser. No. 09/866,261  
Inventors: Thuy Pham Beier

- Affidavit/Declaration
- Preliminary Amendment
- Application Pages
- Appeal Notice of
- Assignment
- Brief (in triplicate)
- Declaration & Power of Attorney
- Design Application
- Disclaimer
- Disclosure Statement
  - w/refs.
  - w/o refs.
- Drawings Formal ( \_\_\_\_\_ Sheets \_\_\_\_\_ Figures)
- Fee Address Indication Form
- Fee Transmittal
- Issue Fee Transmittal
- Letter



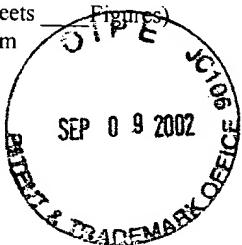
First Class Mail (X)

Filed: May 25, 2001  
Title: Viral Detection System



- Oral Hearing Req./Confirm
- Petition to Extend Time
- Pet. under 37 C.F.R.
- Power of Attorney
  - Associate Power of Attorney w/Revocation
- Response to Trademark Action
- Sequence Listing  CRF Diskette
  - Paper Copy
- Small Entity Statement
- Status Letter
- Utility Patent Application Transmittal Letter
- Trademark Application for Registration
  - (with Drawing Page)
- Other: 1. Request for Refund  
2. Response to Notice to File  
Corrected Application Papers

File No. TPB-001D1



*Exhibit D*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham Beier

Application No.: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: not yet assigned

For: VIRAL DETECTION  
SYSTEM

Attorney Docket No.: TPB-001D1

**REQUEST FOR STATUS INQUIRY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

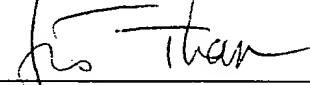
Sir:

Applicant respectfully requests that the Examiner advise the current status of the above captioned application.

No fee is believed due in connection with this request.

Date 1-23-2003

Respectfully submitted,

  
H.T. Than

(Reg. No. 38,632)

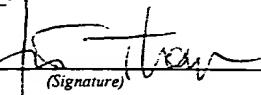
3201 New Mexico Avenue, NW, Suite 350  
Washington, DC 20016  
(202) 363-2620

Enclosure

**CERTIFICATION UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner of Patents and Trademarks or the Assistant Commissioner for Patents, Washington, D.C. 20231, on 1-23-2003.

H.T. Than  
(Name)

  
(Signature)

38,632  
(Reg. No.)

1-23-2003  
(Date of Signature)

# Exhibit E

VIA EXPRESS MAIL/FIRST CLASS

Serial No. 09/866,261  
Filed: May 25, 2001

Applicant: Thuy Pham Beier  
Title: VIRAL DETECTION SYSTEM

- Affidavit/Declaration  
 Amendment  
 Application

No. of Pages:

No. of Claims:

- Appeal, Notice of  
 Executed Assignment  
 Brief (in triplicate)  
 Unexecuted Declaration/Power of Attorney  
 Design Application  
 Disclaimer  
 Disclosure Statement  
 w/refs.  
 w/o refs.  
 Informal Drawings  
Sheets : Figures



- Fee Address Indication Form  
 Fee Transmittal  
 Issue Fee Transmittal  
 Letter  
 Oral Hearing Req./Confirm  
 Petition to Extend Time  
 Petition under 37 C.F.R.  
 Power of Attorney  
 Associate Power of Attorney w/Revocation  
 Request for Non-Publication  
 Response to Notice to File Missing Parts  
 Response to an Office Action  
 Sequence Listing  
 Computer Readable Diskette  
 Paper Copy  
 Small Entity Statement  
 Status Letter  
 Transmittal Letter

Attorney Ref.: TPB-001D1

*Exhibit F*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham Beier

Application No.: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: not yet assigned

For: VIRAL DETECTION  
SYSTEM

Attorney Docket No.: TPB-001D1

**SECOND STATUS INQUIRY**

Mail Stop: unknown  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the Examiner advise the current status of the above captioned application. This is the second status inquiry

No fee is believed due in connection with this request.

Respectfully submitted,

Date

21 May 2003

H.T. Than

(Reg. No. 38,632)

3201 New Mexico Avenue, NW, Suite 350  
Washington, DC 20016  
(202) 363-2620

**CERTIFICATION UNDER 37 C.F.R. 1.8(a)**

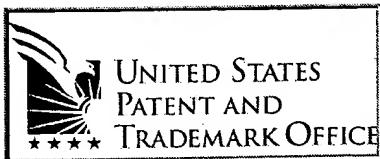
I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 21 May 2003

H.T. Than  
(Name)

*H.T. Than*  
(Signature)

38,632  
(Reg. No.)

5/21/2003  
(Date of Signature)



TPD-ML.D1  
Exhibit 5

United States Patent And Trademark Office

Commissioner For Patents

United States Patent And Trademark Offic

Washington, D.C. 2023

[www.uspto.gov](http://www.uspto.gov)

Date: 6/2/03

H.T. Than Law Group  
Sutton Executive Center  
Suite 350  
3201 New Mexico Avenue  
Washington DC 20016

To: Applicant of Serial Number 09866261

We project that this application will be first examined in 3 to 6 months from today.

Customer Service Office in Technology Center: 1700

Phone Number: 703-306-5665

FAX Number: 703-872-9309

Applicant/Attorney Contact Information:

Telephone: (202)363-2620

Fax: (202)363-3490

*Exhibit H*

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/866,261	05/25/2001	Thuy Pham Beier	TPB-001D1

**CONFIRMATION NO. 8078**  
**ABANDONMENT/TERMINATION**  
**LETTER**



\*OC000000011382449\*

Date Mailed: 12/01/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/02/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/TITLE
09/866,261	05/25/2001	Thuy Pham Beier	TPB-001D1

**CONFIRMATION NO. 8078**  
**ABANDONMENT/TERMINATION**  
**LETTER**



\*OC000000011382449\*

H.T. Than Law Group  
 Sutton Executive Center  
 Suite 350  
 3201 New Mexico Avenue  
 Washington, DC 20016

Date Mailed: 12/01/2003

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Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE